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Attorneys for Defendants Deschutes County, Deschutes County Sheriff
Larry Blanton, Sergeant Bishop, Sergeant Tedd Morris, Deputy Jesse
Hurley, Deputy Amanda Parks, Deputy David Chambers, Deputy Rick
Benitez, Deputy Randy Thompson, Deputy Joseph Toman, and Deputy
Marshall Looney

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

EDWIN BURL MAYS, JR., AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
EDWIN BURL MAYS III; EDWIN BURL
MAYS JR.,

Plaintiffs,

vs.

DESCHUTES COUNT, BY AND THROUGH
THE DESCHUTES COUNTY SHERIFF'S
OFFICE, A POLITICAL SUBDIVISION OF
THE STATE OF OREGON, DESCHUTES
COUNTY SHERIFF LARRY BLANTON,
SERGEANT BISHOP, SERGEANT TEDD
MORRIS, DEPUTY JESSE HURLEY,
DEPUTY AMANDA PARKS, DEPUTY
DAVID CHAMBERS, DEPUTY RICK

Civil No. 6:15-cv-00898-AA

**QUALIFIED PROTECTIVE ORDER
(STIPULATED)**

Page 1 of 8, STIPULATED QUALIFIED PROTECTIVE ORDER

DESCHUTES COUNTY LEGAL COUNSEL
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Mays v. Deschutes County, et al; 6:15-cv-00898-AA
Motion for Qualified Protection Order
Exhibit A, Page 1 of 8

BENITEZ, DEPUTY RANDY THOMPSON,
DEPUTY JOSEPH TOMAN, AND DEPUTY
MARSHALL LOONEY,

Defendants.

This matter is before the Court upon the stipulated motion of the parties for entry of a protective order. The parties agree that good cause exists to protect the confidential nature of the information contained in certain documents and materials. This action concerns allegations of civil rights violations by Deschutes County Sheriff's Office ("DCSO") jail personnel against Plaintiffs, stemming from the death of Decedent Edwin Burl Mays III. The parties anticipate that certain documents and materials exchanged in discovery will relate to DCSO procedures and investigations, DCSO employees' personnel and disciplinary records, the Deschutes County Jail's layout and procedures, and personally identifiable health information of one or more parties and/or Edwin Burl Mays III. The parties agree that entry of this Stipulated Protective Order is warranted to protect against disclosure of such documents, materials and information.

The Court being fully advised, and for good cause shown, it is hereby **ORDERED** as follows:

1. The parties in this case shall produce certain documents and materials under the terms and conditions set forth in this Stipulated Protective Order, specifically:

- (A) any personnel record, performance evaluation or assessment, record of complaint, record of internal investigation, or record of disciplinary action relating to a Deschutes County Defendant;
- (B) any medical record, psychological record or other personally identifiable health information of a party or Edwin Burl Mays, III; and
- (C) any information that tends to reveal the physical layout or internal procedures or operations of the Deschutes County Adult Jail facility or its staff; and

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(D) any other information that the parties agree, or the Court orders, be considered a Protected Document

All of the above-referenced documents, materials and information are collectively referred to herein as the "Protected Documents."

2. Any document, material or information that a producing party believes constitutes a Protected Document shall be labeled "Confidential – Subject to Protective Order" by the producing party. Such document, material or information shall be considered a Protected Document for all purposes herein, until and unless (a) that designation is withdrawn by the producing party or (b) the Court, upon motion of a party, determines that it is not a Protected Document.

3. Protected Documents will be subject to the following protections and restrictions:

- a. The parties to this action are prohibited from using a Protected Document for any purpose other than this litigation and any related appellate or derivative proceeding.
- b. A Protected Document shall only be disclosed to the parties, their respective counsel of record, the author of the document, a court reporter or videographer reporting a deposition in this case, the Court and its authorized personnel, and any independent consultant or expert witness retained by a party or its attorneys for purposes of this litigation, but only to the extent necessary to further the interest of a party in this litigation. Before disclosing any Protected Document to any person, counsel for the disclosing party shall advise the person that pursuant to this Protective Order, the recipient shall not divulge any Protected Document or any information contained therein to any other person, that such document, material or information shall only be used for the purpose of litigating this

action and for no other purposes, and that failure to comply with these restrictions shall expose the person to civil and/or criminal penalties.

c. Protected Documents shall not be filed with the Court or included in whole or in part in any pleadings, motions, briefs, etc. filed in this case, except when any portion(s) of such pleadings motions, briefs, etc. have been filed under seal by counsel and marked in the same manner as described in paragraph 2, above. Such sealed portion(s) of pleadings, motions, briefs, documents, etc. shall be opened only by the Court or by personnel authorized to do so by the Court. The parties may electronically file documents under seal in accordance with the requirements of LR 3-7(b).

d. This Protective Order shall not affect the admissibility of any document or material, or any information contained therein, at any deposition, trial or hearing.

e. Any document or material responsive to any future request for production that is within the categories of the Protected Documents identified herein shall be produced in accordance with the terms of this Protective Order. Notwithstanding the foregoing, this Protective Order shall not constitute a waiver of any claim of privilege or any objection to disclosure or production of a document or material.

f. This Protective Order shall remain in effect except as otherwise agreed by written stipulation of the parties or ordered by this Court.

g. Other Persons Agreed to by the Parties. Aside from those persons to whom disclosure of Protected Documents is specifically authorized by this Protective Order, Protected Documents may only be disclosed to a

person upon written consent of all parties' counsel, and only upon such person's agreement in writing to all of the terms of this Protective Order relating to disclosure, use, reproduction, and return/destruction of Protected Documents. If counsel cannot agree on whether a specified person shall have access to Protected Documents, the Court shall resolve the disagreement.

h. Other Persons Authorized by the Court. After notice to all parties in a hearing, Protected Documents may be disclosed upon a showing of good cause to other persons authorized by the Court. Persons authorized by the Court to receive Protected Documents shall agree in writing to all of the terms of this Protective Order relating to disclosure, use, reproduction, and return/destruction of Protected Documents.

i. Making Copies. Copies and extracts of Protected Documents may be made for persons to whom disclosure is authorized, provided that all copies and extracts are marked "Confidential – Subject to Protective Order."

4. No more than fourteen (14) days after conclusion of this litigation (including any appeal), any Protected Document provided to a party, and any copies thereof that are not part of an official transcript or record, shall be returned to the originating party or destroyed.

5. Prior to producing any document or material in response to a discovery request, the Deschutes County Defendants may redact the following information from such document or material:

a. The social security number, home address(es), telephone numbers, email addresses, and/or driver's license number of any Deschutes County employee, and the name, home address(es), telephone numbers, email

addresses, and/or driver's license number of any immediate family member or ex-family member of such employee; and

b. Other personal information relating to any person, as agreed to by the parties in writing or as ordered by the court.

6. The terms of this Protective Order do not restrict the disclosure or use of any document, material or information legally obtained through means or sources outside of this litigation.

7. The inadvertent failure of a party to label a document or material as "Confidential—Subject to Protective Order" shall not operate as a waiver of that party's right to later designate it as a Protected Document. The receiving party or its counsel shall not disclose such document or material if that party knows or reasonably should know that a claim of confidentiality would be made by the producing party. Promptly after receiving notice from a producing party of a claim of confidentiality, the receiving party or its counsel shall inform the producing party of all pertinent facts relating to the prior disclosure of the document or material and shall make reasonable efforts to retrieve such document or material and to prevent further disclosure.

8. LR 3-7 Notice: Plaintiffs the Estate of Edwin Burl Mays III and Edwin Mays, Jr. and defendants, Deschutes County, Deschutes County Sheriff Larry Blanton, Sergeant Bishop, Sergeant Tedd Morris, Deputy Jesse Hurley, Deputy Amanda Parks, Deputy David Chambers, Deputy Rick Benitez, Deputy Randy Thompson, Deputy Joseph Toman, and Deputy Marshall

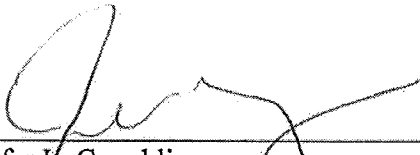
Looney through their respective counsel, are to have remote, electronic access to Protected Documents pursuant to the terms of this Protective Order.

IT IS SO ORDERED.

DATED this 29 day of July, 2015.


US DISTRICT COURT JUDGE

AGREED AND ACCEPTED:



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